IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUO MOTU WRIT PETITION (PIL) NO.35 OF 2007

A MALIK , .

FREELANCE REPORTER, .

RINT MEDIA AND ELECTRONIC MEDIA ... PETITIONER.

VS.

THE DEAN, GRANT MEDICAL COLLEGE .

AND SIR. J.J.GROP OF HOSPITALS, .

AND ORS. ... RESPONDENTS.

MR. K.R.BELOSAY GP FOR THE RESPONDENT STATE. .

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CORAM : J.N. Patel and A.A.Sayed,JJ.

DATE : September 5, 2007.

P.C.

1. This Court took suo motu cognizance of a newspaper report and treated this as a Public Interest Litigation. The problem which is highlighted is in respect of stoppage of emergency surgical services for poor people in Government/ Public Hospitals in the City of Mumbai

for want of qualified anaesthetists. This Court issued notice to the Respondents. In response to the notice issued by this Court, the Respondents have filed an affidavit-in-reply, tendered by the Dean, Grant Medical College, J.J. Group of Hospitals in which it has been stated as to what steps the State Government has taken to recruit the Anaesthesiologists. A stand is taken that there is shortage of Anaesthesiologists all over India. This cannot be an excuse to deprive people of medical facilities. The Respondents have gone to the extent of inviting applications by advertising in various news papers and even provided for walk-in interviews, but there is no response from the medical professionals / medical candidates.

2. We are told that the State has at its disposal 10% Beds reserved in private hospitals, which are run by various institutions and that on the directions of this Court, the Committee was also constituted and recommendations of the Committee were sought to examine the issue of providing medical assistance to the poor persons approaching public hospitals by utilising the resources available from Private Hospitals.

3. In our view the State should make appointments of Medical Officers in Public Hospitals, more attractive and Competitive as compared to private hospitals, in medical profession, so that more medical professionals

will be willing to serve in the Government/ Public Hospitals run by the State; otherwise this malady would continue to prevail and poor persons who cannot afford private medical treatment would be left at the mercy of al-mighty.

4. We find that the subject matter which gives rise to cause of action con not be monitored by this Court and it will not resolve the problem. It is for the State to take initiative in the matter and see that all vacancies in Public/ Government Hospitals are filled in as early as possible and make available the infrastructure and see that men and machinery etc. is available there and the available resources should be put to optimum use to serve the common man. Probably our observations may not have any effect so as to secure compliance from the State. But we find ourselves in a state of helplessness if the State fails to perform its duty towards the citizens, particularly, relating to providing health services to the common man, which is now well settled by a Catena of decisions of the Supreme Court, as a fundamental right. We expect the State to do the needful.

5. With these observations,we dispose of the Petition.

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[J.N.Patel,J.]

[A.A.Sayed,J.]